

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10<sup>th</sup> DAY OF MARCH 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs (Arrived 8:00 p.m.)	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis (left at 7:15 p.m.)	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ron Bonnema	-County Engineer
	Karen Edmonds	-Human Resources Director
	Ruth L. Richey	-Public Information Officer
	Marc Magruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	B. Clayton Goodman, III	- County Administrator

### **CALL TO ORDER**

The Chair called the meeting to order.

Supervisor Creed requested the Board amend the agenda to add the Norfolk Southern Intermodal Facility to the agenda under Closed Meeting.

### **ADD TO THE AGENDA – ADDENDUM**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously, the following item was added to the agenda under Closed Meeting:

Section 2.2-311           (7)       Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

#### **2. Norfolk Southern Intermodal Facility**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
James D. Politis		
Doug Marrs		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

## **INTO CLOSED MEETING**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- |                  |   |
|------------------|---|
| Section 2.2-3711 | <p>(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body</p> <ol style="list-style-type: none"><li>1. NRV Development Corporation</li><li>2. Office on Youth</li><li>3. Personnel</li></ol>   |
|                  | <p>(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body</p> <ol style="list-style-type: none"><li>1. Prices Fork Elementary School Site</li></ol>  |
|                  | <p>(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel</p> <ol style="list-style-type: none"><li>1. Proposed Boundary Line Adjustment – Town of Christiansburg</li><li>2. Norfolk Southern Intermodal Facility</li></ol> |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
William H. Brown		
Gary D. Creed		
James D. Politis		
John A. Muffo		
Annette S. Perkins		

**Supervisor Politis left the meeting at 7:15 p.m.**

## **OUT OF CLOSED MEETING**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Mary W. Biggs
Gary D. Creed		James D. Politis
John A. Muffo		
Doug Marrs		
Annette S. Perkins		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

Gary D. Creed  
John A. Muffo  
Doug Marrs  
William H. Brown  
Annette S. Perkins

#### **NAYS**

None

#### **ABSENT DURING VOTE**

Mary W. Biggs  
James D. Politis

#### **ABSENT DURING MEETING**

Mary W. Biggs  
James D. Politis

### **INVOCATION**

A Moment of Silence was lead by Chair Perkins. Chair Perkins asked everyone to keep Supervisor Politis in their thoughts on the recent loss of his Father.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **PUBLIC ADDRESS**

Jim Baldwin, Brain Injury Services of Southwest Virginia, asked the Board to consider their request for funding in the amount of \$7,381 in the FY 2008-2009 budget. Brain Injury Services provides case management and life skill training to citizens who suffer from a brain injury. They

are serving 16 citizens in Montgomery County this year and hope to increase this number to 19 next year. Mr. Baldwin explained they have requested funding from Montgomery County for the past four years but have been denied. He urged the Board to vote favorably to fund them in FY 08-09.

Shireen Parson addressed the Board on the proposed Norfolk Southern Intermodal Facility. Ms. Parsons stated that an article in the Roanoke Times reported that the City of Salem was not chosen as the site for the proposed facility. She pointed out that the Montgomery County Board of Supervisors has adopted four resolutions opposing this facility being constructed in Elliston; however the State has dismissed these resolutions. Ms. Parsons believes that the Board still needs to consider the Citizens for the Preservation of Our Countryside's proposal to adopt an ordinance banning corporations from taking private property within the County. She urged the Board to follow in the footsteps of the Town Council of Halifax, who became the first Virginia municipality to enact such an ordinance regarding the threat of a uranium mine upstream from Pittsylvania County.

Faith Rittenhouse addressed the Board in opposition to the proposed Norfolk Southern Intermodal Facility in Elliston. Ms. Rittenhouse gave each member of the Board of Supervisors a phoney invitation to the ribbon cutting to the new Intermodal Rail Yard, stating the invitation will be real if the County doesn't enact an ordinance banning eminent domain in Montgomery County. She urged the Board to enact such an ordinance in spite of Virginia being a Dillon Rule State.

Mickey Apgar addressed the Board with concerns about Elliston being the proposed site for the proposed Norfolk Southern Intermodal Facility. Mr. Apgar stated this facility will be in his front yard. He wanted to emphasize that the residents in Elliston are still strongly in opposition of this facility in spite of being silent the past few months. He stated that the City of Salem wants this facility but Norfolk Southern has indicated that the Salem site would not work. He believes it would work if they wanted it to, and it all boils down to money. But what will it cost the residents of Elliston. Mr. Apgar thanked the Board for all they have done and for standing up for the residents in Elliston.

Eileen Umbarto addressed the Board in opposition to the proposed Norfolk Southern Intermodal Facility in Elliston. Ms. Umbarto commented that she moved to Montgomery from New Jersey four years ago. She purchased her property in Elliston just by pictures alone and loves the area. She is afraid that the proposed intermodal facility will bring to the community what she had left behind when she moved from New Jersey.

Kathy Wheeler, Hans Meadow Bed & Breakfast, addressed the Board in opposition to the Special Use Permit for Beliveau Development Corporation. She stated that the approved covenant for the Shires property allowed for town homes use only and if this request is approved it would open the doors for this type of business, country inn, to be allowed with anybody that has property with town homes.

There being no further speakers, the public address session was closed.

## **DELEGATION**

### **Metropolitan Planning Organization MPO – Route 460 Connector Corridor Study**

Dan Brugh, Executive Director of the MPO, provided an update on the Route 460 Connector Corridor Study. The Route 460 Connector Corridor Study was performed to assess the need for an east-west roadway extending from the Route 460 Bypass in the vicinity of Southgate Drive to Prices Fork Road south of the community of Prices Fork, and to establish a future planning corridor for the roadway. Establishing a planning corridor will allow Montgomery County and the Town of Blacksburg to preserve rights-of-way for a future roadway, and will provide overall guidance for transportation and land use planning in the region.

After many community meetings and input from citizens, the proposed corridor will extend from Prices Fork Road in the vicinity of Coal Hollow Road to the Route 460 Bypass, approximately 1 mile south of Southgate Drive. The proposed roadway will incorporate a parkway-type facility with posted speed limit of 45 miles per hour, incorporate a separate multi-purpose trail ( walking

and biking) along the entire length of the proposed roadway, and construct a two-lane undivided roadway with sufficient right-of-way to allow for widening to a four-lane when needed.

The study is in the final stages with a final public hearing scheduled for March 19, 2008 at the Montgomery County Government Center from 4:00 p.m. to 6:30 p.m.

As this point, no funding has been identified for this project. Should funding be identified and the project identified as a priority, additional follow-up activities could include location, studies, design, right-of-way acquisition, and construction. Public involvement is a key component of each of these project development activities.

**Supervisor Biggs arrived at 8:00 p.m.**

**CONSENT AGENDA**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated March 10, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Doug Marrs		
William H. Brown		
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		

**Approval of Minutes**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the minutes dated January 14, 2008 and January 28, 2008 were approved.

**R-FY-08-124  
SCHEDULE PUBLIC HEARING  
AMERICAN ELECTRIC POWER  
REQUEST FOR EASEMENT  
MOTOR MILE PARK -NEW BALL FIELD**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia, hereby schedules a public hearing on March 24, 2008, at 7:15 p.m., or as soon thereafter at the Montgomery County Government Center, 2<sup>nd</sup> Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the request by American Electric Power for a right-of-way easement for an underground utility line for ball field lighting at the Motor Mile Park off Tyler Road (Rt. 177).

**A-FY-08-79  
CIRCUIT COURT – JURIES**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

210	Circuit Court - Juries	\$1,710
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419122	Jury Reimbursements	\$1,710

Said resolution appropriates the state's portion of jury payments for criminal cases.

**A-FY-08-80**  
**COMMONWEALTH'S ATTORNEY**  
**FORFEITED ASSET SHARING PROGRAM**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

330	Commonwealth's Attorney	\$ 447
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
190170	Confiscations-Commonwealth's Attorney	\$447

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-08-81**  
**SHERIFF – RECOVERED COSTS**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

320	Sheriff – County	\$986
321	Sheriff – Grants	<u>\$325</u>
	Total	\$1,311

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$986
424401	Project Lifesaver	<u>325</u>
	Total	\$1,311

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's department.

**A-FY-08-82**  
**SCHOOL OPERATING FUND**  
**SUPPLEMENTAL APPROPRIATIONS**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

09	School Operating Fund	
	61000 Instruction	\$142,218
	563000 Transportation	18,036
	564000 Operations and Maintenance	<u>183,132</u>
	Total	\$343,386

The sources of funds for the foregoing appropriation are as follows:

Revenue Account:

State Revenue

433206	Teach American History Grant	\$116,009
433209	Learn and Serve Grant	26,209
418910	Insurance Recoveries	18,036
418302	Universal Service Discounts	<u>183,132</u>
	Total	\$343,386

Said resolution appropriates additional funds from the various sources for FY 08.

**R-FY-08-125**  
**RESOLUTION AMENDING THE**  
**MONTGOMERY COUNTY COMPENSATION PLAN**  
**FOR CERTAIN PUBLIC SERVICE AUTHORITY POSITIONS**  
**BASED ON CHANGES MADE TO THE PAY GRADE BY**  
**THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, At its March 4, 2008 meeting, the Montgomery County Public Service Authority adopted a Resolution amending the Pay Grade for Utility Operator positions I, II and III, for the Utility Equipment Operator position, for the PSA Crew Leader position and changed the Maintenance Supervisor position to Maintenance Manager at the higher existing Maintenance Manager pay grade; and

WHEREAS, The pay grades for the above referenced positions were amended by the Authority Board to the following new pay grades effective April 1, 2008; and

Utility Operator I	- Pay Grade 116
Utility Operator II	- Pay Grade 113
Utility Operator III	- Pay Grade 111
Maintenance Supervisor	- Pay Grade 118
becomes Maintenance Manager	
PSA Crew Leader	- Pay Grade 113
Utility Equipment Operator	- Pay Grade 111

WHEREAS, The Board of Supervisors needs to amend the overall County Classification and Compensation Plan to reflect the changes in pay grade made by the Montgomery County Public Service Authority for the above referenced Public Service Authority Positions.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby amends the Montgomery County Classification and Compensation Plan to reflect the changes in pay grade for the following Public Service Authority positions based upon changes made to the pay grade by the Montgomery County Public Service Authority:

Utility Operator I	- Pay Grade 116
Utility Operator II	- Pay Grade 113
Utility Operator III	- Pay Grade 111
Maintenance Supervisor	- Pay Grade 118
becomes Maintenance Manger	
PSA Crew Leader	- Pay Grade 113
Utility Equipment Operator	- Pay Grade 111

These changes in pay grade shall be effective April 1, 2008.

**R-FY-08-126**  
**SUPERVISOR MARY BIGGS**  
**VACO EDUCATION COMMITTEE**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, Supervisor Mary W. Biggs has been invited to serve on the Virginia Association of Counties (VACo) Education Steering Committee for calendar year 2008.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Biggs' participation on the Education Steering Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

**R-FY-08-127**  
**ANNETTE S. PERKINS**  
**VACO CONFERENCE PLANNING COMMITTEE**  
**AND EDUCATION COMMITTEE**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, Supervisor Annette S. Perkins has been invited to serve on the Virginia Association of Counties' (VACo) Conference Planning Committee, Education Committee and Resolutions Committee for calendar year 2008.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Perkins' participation on the Conference Planning Committee, Education Committee and Resolutions Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Perkins for expenses arising from attendance at committee meetings.

**R-FY-08-128**  
**DOUG MARRS**  
**VACO TRANSPORTATION STEERING COMMITTEE**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, Supervisor Doug Marrs has been invited to serve on the Virginia Association of Counties' (VACo) Transportation Steering Committee for calendar year 2008.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Marrs' participation on the Transportation Steering Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Marrs for expenses arising from attendance at committee meetings.

**OLD BUSINESS**

**R-FY-08-129**  
**SPECIAL USE PERMIT**  
**BELIVEAU DEVELOPMENT CORPORATION**  
**(AGENT: YVAN J. BELIVEAU)**  
**FOR THE PURPOSE OF ALLOWING A "COUNTRY INN"**  
**AT 3000 SHIRE CIRCLE**  
**IN THE PRICES FORK MAGISTERIAL DISTRICT**  
**PARCEL ID # 026177, TAX MAP NUMBER 64-A-33A**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,



BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Beliveau Development Corporation (Agent: Yvan J. Beliveau) request for a Special Use Permit (SUP) on 2.627 acres in a Residential Multi-Family (RM-1) zoning district to allow a “Country Inn” is hereby **approved** with the following conditions:

- 1. The following items shall be completed prior to the issuance of a building/zoning permit for the modification of the town homes and/or the proposed restaurant:
  - a. Owner shall stabilize all denuded areas and comply with local Erosion and Sediment Control Ordinance requirements;
  - b. The northernmost entrance off of Shire Lane shall be upgraded to provide for sufficient turning radius of a fire truck;
  - c. Installation of required walkways;
  - d. Paving and striping of existing upper parking area;
  - e. Owner/applicant shall submit a site plan for approval in compliance with the Montgomery County Zoning Ordinance. The plan shall include any required ADA accessible parking, areas to be paved, restaurant requirements, seating, etc.;
  - f. Provision of fire protection for the project unless the State Fire Marshall and the Building Official indicates fire protection is not required;
  - g. Installation of a handrail for the walkway from the upper parking area down the hill to the restaurant.
  
- 2. This Special Use Permit (SUP) allows up to twenty (20) country inn guest rental units on the property provided there are no more than sixteen (16) residential dwelling units on the property. However, the owner/applicant may increase the allowable number of country inn guest rental units on the property up to a total of thirty (30) guest rental units provided the total number of residential dwelling units on the property is reduced by one (1) for each two (2) additional country inn guest rental units added. (Refer to table)

Maximum Number of Units Allowed by SUP	
Country Inn Guest Units Allowed	Residential Dwelling Units Allowed
20	16
22	15
24	14
26	13
28	12
30	11

- 3. Prior to construction of any new buildings on the property, owner shall obtain VDOT approval of the entrance.

The property is located at 3000 Shire Circle, identified as Tax Parcel No(s). 64-A-33A (Acct # 026177) in the Prices Fork Magisterial District (District E).

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
John A. Muffo		
Doug Marrs		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

**ORD-FY-08-21**  
**AN ORDINANCE WITHDRAWING TWENTY (20) ACRES OF A**  
**59.2 ACRE PARCEL (TAX MAP PARCEL 72(1)56 FROM**  
**AGRICULTURAL & FORESTAL DISTRICT – 9**  
**FOR THE DEVELOPMENT OF NEW ELEMENTARY SCHOOL**  
**IN ELLISTON, VA**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Montgomery County has requested to withdraw 20 acres of a 59.2 acre parcel (Tax Parcel 72-1-56) from Agricultural & Forestal District-9; and

WHEREAS, The Board of Supervisors of Montgomery County has processed this request in accordance with Section 15.2-4314 of the Code of Virginia, as amended, and Section 2-150 of the Montgomery County Code, including the holding of a public hearing on February 25, 2008 and the receiving of recommendations from the Advisory Committee on Agricultural and Forestal Districts and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that the five criteria for withdrawal in Section 2-150 of the Montgomery County Code have been met and that for good and reasonable cause shown, the twenty (20) acres owned by Montgomery County is hereby withdrawn from Agricultural & Forestal District-9.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

**ORD-FY-08-22**  
**AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN –**  
**ELLISTON AND LAFAYETTE VILLAGE PLAN LAND USE MAP DESIGNATION**  
**OF APPROXIMATELY 20 ACRES OF A 59.2 ACRE PARCEL**  
**LOCATED IN THE 8500 BLOCK OF ROANOKE ROAD,**  
**SOUTH OF THE EASTERN MONTGOMERY HIGH SCHOOL PROPERTY,**  
**IN THE SHAWSVILLE MAGISTERIAL DISTRICT.**  
**FROM RESOURCE STEWARDSHIP TO VILLAGE EXPANSION WITH THE**  
**DESIGNATION OF THE PARCEL AS CIVIC TO ACCOMMODATE THE**  
**DEVELOPMENT OF AN ELEMENTARY SCHOOL IN THE SHAWSVILLE**  
**MAGISTERIAL DISTRICT**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan – Elliston and Lafayette Village Plan Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Elliston and Lafayette Land Use Map designation of that certain tracts or parcels of land consisting of a 20 acre portion of a 59.2 acre tract of land is hereby amended from the designation of Resource Stewardship to Village Expansion with the further designation as Civic in the Elliston and Lafayette Village Plan.

This action was commenced upon the application of Montgomery County Board of Supervisors.

The property is located in the 8500 block of Roanoke Road, located to the south of the Eastern Montgomery High School property and is identified as Tax Parcel No 072-1-56 (ID.#013681) in the Shawsville Magisterial District.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Mary W. Biggs		
William H. Brown		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		

**ORD-FY-08-23**  
**AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5**  
**ENTITLED TAX EXEMPTIONS AND DEFERRALS**  
**FOR ELDERLY AND HANDICAPPED,**  
**SECTION 2-107 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA**  
**BY INCREASING THE INCOME ELIGIBILITY LIMITS**  
**FOR EXEMPTION FROM OR DEFERRAL OF TAXATION OF REAL ESTATE**  
**FOR THE ELDERLY AND DISABLED**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 2-107. Established; restrictions and conditions.**

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, section 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

(1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~twenty-eight thousand dollars (\$28,000)~~ thirty thousand dollars (\$30,000.00) provided that the first ten thousand dollars (\$10,000.00) of income of each relative other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled shall not be included in such total.

(2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed One Hundred Thousand Dollars (\$100,000).

(3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. § 4-23(d) by the Social Security

Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section including, qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

<i>Annual Income (Calendar Year)</i>	<i>For Qualified Persons the Percentage of Tax Which May Be Exempted</i>
<del>\$ 0.00- \$17,900.00</del> <u>\$19,200</u>	100%
<del>\$17,901.00- \$22,300.00</del> <u>\$19,201- \$24,000</u>	60%
<del>\$22,301.00- \$28,000.00</del> <u>\$24,001- \$30,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

This change in income limits shall be effective for the 2008 tax year and beyond unless amended.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
William H. Brown		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Annette S. Perkins		

**ORD-FY-08-24**  
**AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III,**  
**ENTITLED EROSION AND SEDIMENT CONTROL,**  
**SECTION 8-62 THROUGH SECTION 8-67 RESPECTIVELY**  
**OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,**  
**IN ORDER TO COMPLY WITH**  
**THE VIRGINIA EROSION AND SEDIMENT CONTROL LAW**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, Article III, entitled Erosion and Sediment Control, Section 8-62 through 8-67 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 8-62. Definitions. As used in this ordinance, unless the context requires a different meaning:**

*Agreement in lieu of plan* means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

*Applicant* means any person submitting to an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

*Board* means the Virginia soil and water conservation board.

*Certified Inspector* means an employee or agent of a program authority who (1) holds a certificate of competence from the board in the area of project inspection or (2) is enrolled in the board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

*Certified plan reviewer* means an employee or agent of a program authority who (1) holds a certificate of competence from the board in the area of plan review, (2) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (3) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

*Certified program administrator* means an employee or agent of a program authority who (1) holds a certificate of competence from the board in the area of program administration or (2) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

*Clearing* means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

*Conservation plan, erosion and sediment control plan or plan* means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to

conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

*County* means the County of Montgomery.

*Department* means the department of conservation and recreation.

*Development* means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

*Director* means the ~~director of the department~~ Director of the Department of Conservation and Recreation.

*District* or *soil and water conservation district* refers to the skyline soil and water conservation district.

*Erosion impact area* means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

*Excavating* means any digging, scooping or other methods of removing earth materials.

*Filling* means any depositing or stockpiling of earth materials.

*Grading* means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

*Land-disturbing activity* means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hardsurfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10-1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- ~~(9) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6, ditches,~~

~~strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;~~

(10)(9) Disturbed land areas of less than ten thousand (10,000) square feet in size;

(11)(10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(12)(11) Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

*Land disturbing permit* means a permit issued by Montgomery County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

*Local erosion and sediment control program* or *local control program* means an outline of the various methods employed by Montgomery County to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

*Natural channel design concepts* means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

*Owner* means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

*Peak flow rate* means the maximum instantaneous flow from a given storm condition at a particular location.

*Permittee* means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

*Plan-approving authority* means the Montgomery County engineer responsible for determining the adequacy of a ~~conservation~~ plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

*Program authority* means Montgomery County which has adopted a soil erosion and sediment control program approved by the board.

*Responsible Land Disturber* means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection or Plan Review, (iii) holds a current Contractor Certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

*Runoff volume* means the volume of water that runs off the land development project from a prescribed storm event.

*Single-family residence* means a noncommercial dwelling that is occupied exclusively by one (1) family

*State erosion and sediment control program* or *state program* means the program administered by the Virginia soil and water conservation board pursuant to the state code including regulations designed to minimize erosion and sedimentation.

*State waters* means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

*Transporting* means any moving of earth materials from one (1) place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water Quality Volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

### **Sec. 8-63. Local erosion and sediment control program.**

(a) Pursuant to section 10.1-562 of the Code of Virginia, Montgomery County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Virginia soil and water conservation board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia erosion and sediment control regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) Before adopting or revising regulations, Montgomery County shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when Montgomery County is amending its program to conform to revisions in the state program. However, a public hearing shall be held if Montgomery County proposes or revises regulations that are more stringent than the state program.

(c) In addition, in accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

(d) In accordance with §10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

~~(e)~~(e) Pursuant to section 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion control program of Montgomery County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

~~(d)~~(f) Montgomery County hereby designates the county engineer as the plan-approving authority.



~~(e)~~(g) The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the county engineer.

**Sec. 8-64. Regulated land disturbing activities; submission and approval of plans; contents of plans.**

(a) Except as provided herein, no person may engage in any land disturbing activity until he or she has submitted to the county engineer for Montgomery County an erosion and sediment control plan for the land disturbing activity and such plan has been reviewed and approved by the plan approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one (1) local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the ~~Board~~ Board for review and approval rather than to each jurisdiction concerned.

Where the land disturbing activity results from the construction of single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan approving authority.

(b) The standards contained within the Virginia Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook as amended are to be used by the applicant when making a submittal under the provisions of this ~~section~~ ordinance and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.

(c) The plan approving authority shall, ~~within forty-five (45) days, approve any such plan if it is determined that the plan meets the requirements of the local control program, review~~ conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this section ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by Code of Virginia, section 10.1-561, as amended, of the Virginia Erosion and Sediment Control Law who will be in charge of and responsible for carrying out the land-disturbing activity. The certificate of competence requirement shall be waived for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, to the program authority, as provided by Code of Virginia, section 10.1-561, as amended, of the Virginia Erosion and Sediment Control Law who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence as provided by §10.1-561, as amended of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

(d) The plan shall be acted upon within forty-five (45) days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When a plan is determined to be inadequate, ~~written notice of disapproval stating the specific reason for disapproval shall be communicated to applicant within forty five (45) days.~~ The plan approving authority shall specify the modifications, terms and conditions that will

permit approval of the plan. If no action is taken ~~by the plan approving authority~~ within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) An approved plan may be changed by the plan approving authority ~~in the following cases~~ when:

(1) ~~Where~~ The inspection has revealed that the plan is inadequate to satisfy applicable regulations; or

(2) ~~Where~~ The person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this section ordinance, are agreed to by the plan approving authority and the person responsible for carrying out the plans.

(f) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for the site conditions, by granting a variance. A variance may be granted under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

~~(f)(g)~~ In order to prevent further erosion, Montgomery County may require approval of a ~~conservation~~ plan for any land identified in the local program as an erosion impact area.

~~(g)(h)~~ When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(i) In accordance with the procedure set forth by §10.1-563(E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineer, may, at the option of the person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

~~(h)(j)~~ ~~Whenever~~ Electric, natural gas and telephone utility companies, interstate and intrastate natural gas companies or and railroad companies shall file general erosion and sediment control specifications annually with the Board. These specifications shall apply to: ~~undertake any of the activities included in subsections (h)(1) and (2), they shall be considered exempt from the provisions of this section.~~

(1) Construction, installation and maintenance of electric transmission, natural gas and telephone utility lines and pipelines, and

(2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Projects not included in subsections ~~(h)(j)~~(1) and (2) shall comply with the requirements of the Montgomery County erosion and sediment control program, pursuant to ~~Code of Virginia, §10.1-563D~~ of the Virginia Erosion and Sediment Control Law.

~~(i)(k)~~ State agency projects are exempt from the provisions of this ~~section~~ ordinance except as provided for in ~~Code of Virginia, section §10.1-564~~ of the Virginia Erosion and Sediment Control Law.

#### **Sec. 8-65. Permits; fees; bonding; etc.**

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits, with his application, an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land disturbing activity unless the proposed land disturbing activity is specifically exempt from the provisions of this ~~section~~ ordinance, until he or she has acquired a land disturbing permit, and has paid the fees and posted the required bond.

(c) Fees. An administrative fee for plan review ~~based on the approved fee schedule set out by ordinance approved by the Board of Supervisors~~ shall be paid to Montgomery County at the time of issuance submission of a erosion and sediment control plan or agreement in lieu of a plan land disturbing permit or any agreement in lieu of plan in an amount set from time to time, by ordinance of the board of supervisors. A monthly inspection fee shall be paid to Montgomery County in an amount set from time to time, by ordinance of the board of supervisors. Monthly inspection fees shall be paid starting at the time the land disturbing permit is issued until such time the site has achieved adequate stabilization as determined by the county engineer.

(d) No land-disturbing permit shall be issued until the applicant submits, with his application, an approved erosion and sediment control plan and certification that the plan will be followed and pays all the required fees.

(e) Bond. All applicants for permits shall provide to Montgomery County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the county engineer, to ensure that measures could be taken by Montgomery County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land disturbing activity. Should it be necessary for Montgomery County to take such conservation action, Montgomery County may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain the appropriate conservation action based on unit price for new public or private sector construction in Montgomery County and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of adequate stabilization, as determined by the county engineer in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based on the percentage of stabilization accomplished in the project or section thereof. ~~(f)~~ These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

#### **Sec. 8-66. Monitoring, reports, and inspections.**

(a) Montgomery County may require that an individual holding a certificate of competence, as provided by Section 10.1-561 of the Code of Virginia, 1950, as amended, who will be in charge of and responsible for carrying out the land disturbing activity and may require a person responsible for carrying out the plan to monitor and maintain the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The county engineer or other certified inspectors shall periodically inspect the land-disturbing activity in accordance with Section 4 VAC 50-30-60 of the Virginia Erosion and Sediment Control Regulations ~~as required under the state program~~ to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in

controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the county engineer determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply with the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by this ~~section~~ ordinance.

(c) ~~Upon receipt of a sworn complaint of a violation of this section,~~ Upon determination of a violation of this ordinance the county engineer may, in conjunction with or subsequent to a notice to comply as specified in this ~~section~~ ordinance, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, ~~or if~~ or if land disturbing activities have commenced without an approved plan, the county engineer may in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in water within the watersheds of the ~~e~~Commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified in this ~~section~~ ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply.

The order shall be served in the same manner as notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Montgomery County Circuit Court.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the county engineer may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application ~~of~~ or the land records of Montgomery County. The owner may appeal the issuance of an order to the Montgomery County Circuit Court.

Any person violating or failing, neglecting or refusing to obey an order issued by the county engineer may be compelled in a proceeding instituted in the Montgomery County Circuit Court to obey the order and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the county engineer from taking any other action authorized by this ~~section~~ ordinance.

#### **Sec. 8-67. Penalties, injunctions, and other legal actions.**

(a) Violators of this section shall be guilty of a Class 1 misdemeanor.

(b) Any person who violates any provision of this ordinance ~~section or any condition of a permit~~ shall, ~~upon issuance of a demand for collection of the civil penalty by the county engineer and~~ upon a finding of the Montgomery County General District Court, be assessed a civil penalty in accordance with this ~~article~~ ordinance. The civil penalty of any one (1) violation shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), except that the civil penalty for commencement of land disturbing activities without an approved

plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ~~three thousand dollars (\$3,000.00)~~ ten thousand dollars (\$10,000), except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). Any assessment of civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violations as a Class 1 misdemeanor.

(c) The county engineer, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Montgomery County Circuit Court to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he or she has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his or her property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which has caused, or create the probability of causing, damage to his or her property.

~~(e) The county engineer may apply to the Montgomery County Circuit Court to enjoin a violation or a threatened violation of this section, without the necessity of showing that an adequate remedy at law does not exist.~~

(d) In addition to any criminal penalties provided under this article, any person who violates any provision of this section may be liable to Montgomery County in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by Montgomery County. Any civil penalties assessed by a court shall be paid into the Montgomery County treasury, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, Montgomery County may provide, in an order issued by Montgomery County against such person for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsections (b) ~~or (e)~~.

(g) The commonwealth's attorney shall, upon request of Montgomery County or the permit issuing authority, take legal action to enforce the provisions of this article.

(h) Compliance with the provisions of this ~~section~~ ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		

**R-FY-08-130**  
**RESOLUTION AMENDING AUTHORIZING THE FILING OF GRANT**  
**APPLICATION WITH THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF**  
**CONSERVATION AND RECREATION FOR THE ELLETT LOOP TRAIL**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

WHEREAS, On December 16, 2005, the Board of Supervisors authorized the County Administrator to file an application with the Virginia Department of Conservation and Recreation, Recreation Trails Fund Program, for an 80-20 matching grant to be shared by the Town of Blacksburg and Montgomery County to fund Section 4 and Section 5 of the Ellett Valley Loop Trail as follows:

1. Section 4, Ellett Valley Loop Trail: Construction of 2,260 linear feet of new trail and 400 square feet of parking area at a maximum cost of \$100,000.
2. Section 5, Ellett Valley Loop Trail: Construction of 2,690 linear feet of new trail, 2,000 square feet of parking area, one kiosk, one bicycle rack, and a 16 foot viewing deck at a maximum cost of \$100,000; and

WHEREAS, The grant application for Section 4 of the Ellett Valley Loop Trail was submitted in 2007 and grant funding received in 2008; and

WHEREAS, The grant application for Section 5 is being drafted for submittal in March 2008 with revised construction costs.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator is authorized to file an application with the Virginia Department of Conservation and Recreation, Recreation Trails Fund Program, for an 80-20 matching grant to be shared by the Town of Blacksburg and Montgomery County to fund the following project:

1. Section 5, Ellett Valley Loop Trail: Construction of 600 linear feet of trail with multiple small puncheon bridges to a viewing deck. Construction of a 200 foot by 10 foot wide drive to a 2,000 square feet of parking area, one kiosk, and one bicycle rack. Cleaning and securing old spring house with an 8 foot fence enclosure at a maximum cost of \$125,000.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
William H. Brown		
Annette S. Perkins		

**AMEND WORK SESSION**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Work Session is amended as follows:

Defer Item 3, Revenue Sharing Funds and Six-Year Road Plan

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

- 1. Presentation of the FY 08-09 Budget.
- 2. Courthouse Project
- 3. Revenue Sharing Funds & Six-Year Road Plan – DEFERRED

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
William H. Brown		
Annette S. Perkins		

**Presentation of the FY 2008-2009 Budget**

Carol Edmonds, Assistant County Administrator, recognized County staff who helped prepare the Proposed FY 2008-2009 Budget: Angie Hill, Financial and Management Service Director; Marc Magruder, Budget Manager, Karen Edmonds, Human Resources Director; Susan Dickerson, Senior Program Assistant; and Amanda Paez, Virginia Tech Student Intern.

The Budget Manager provided an overview of the Proposed FY 2008-2009 Budget. The total budget is \$159.4 million, an increase of \$16.7 million over last year. This budget provides \$40.4 million for County General Funds, \$99.2 million for School Operating Funds, \$14.1 million in Debt Service Funds, \$3.8 million for School Cafeteria Funds, \$1.3 million in new school capital construction, \$17,600 for the Law Library, and \$656,855 for Fire and Rescue Capital Equipment.

The proposed real estate tax rate is increased from 63 cents to 75 cents, representing a 12 cent increase. Montgomery County is continuing to address state funding reductions, increases in fringe benefit costs, and additional County and public school needs.

This budget is heavily dedicated to public safety. Funding is needed to help cover the cost of the new regional jail, to outsource inmates, and the addition of four School Resource Officers (SRO) positions that are no longer funded with grant monies, the creation of one dispatcher position, and additional funding in operating costs for the Sheriff’s office. Also, additional funding is added for the operations for Fire and Rescue and increased funding for fire and rescue capital.

This budget includes \$1.2 million for county-wide compensation increases, \$125,000 for 10% estimated increase in health insurance costs for FY 09, and \$161,547 to cover the fourth year of a five year plan to fully implement the MAG compensation plan.

The FY 09 budget provides county funding totaling \$36.9 million for school operating funds, an increase of \$3.3 million over FY 08 and accounts for 5 cents of the 12 cent tax rate increase. The increase in county funding, along with the added state funding of \$2.2 million, totals \$5.5 million in additional funding for the School Operating Fund. This increase is intended to afford the Schools the opportunity to provide school employees with an average 7.6% salary increase.

As previously stated, the proposed budget requires a 12 cent increase in the real estate tax rate. One penny on the tax rate equals \$656,855, so 12 cents will bring in new revenue in the amount of \$7.9 million.

The County received numerous requests from the County, Schools, and Outside Agencies for additional money. County Departments and Outside Agencies requested a total of \$6.3 million with only \$3.9 million recommended for funding. The School Board requested a total \$4.2 million with only \$3.3 million recommended for funding. Many legitimate requests were deferred or not recommended in order to fund the highest priority items.

The Budget Manager explained the next steps in the budget process are to establish an advertised tax rate by March 17, 2008, hold a public hearing on the advertised tax rate and proposed FY 08-09 budget, set tax rate in April 2008 and adopt the budget.

Supervisor Perkins thanked all staff who worked hard on the FY 08-09 proposed budget and also expressed appreciation to Carol Edmonds, Assistant County Administrator, for all the hours she spent working on and finalizing the budget for recommendation.

Supervisor Creed expressed concern with the comment made that the \$5.5 million is intended to afford the Schools the opportunity to provide employees with a salary increase. He believes this statement is assuming the School Board will use this money for salary increases. He reminded the Board that any funding provided to the School Operating Fund will go directly into the School's general fund and the Board of Supervisors has no control on how it is spent and if it will be used for salary increases.

Supervisor Biggs stated she appreciates the way the statement was made because it shows that funding is available to afford the opportunity for salary increases. This is a message to the teachers and school employees that the Board of Supervisors is listening to their concerns and is willing to provide appropriate funding this year to address the salary needs.

Supervisor Marrs agreed with Supervisor Biggs' statement but also agreed with Supervisor Creed that the School Board controls their budget, not the Board of Supervisors.

Supervisor Brown commented he likes the way the statement is worded also. It affords the Schools the opportunity to provide compensation increases.

Supervisor Biggs asked about the Institute of Government Salary Survey that was used for salary comparison to Montgomery County and what other localities were compared to Montgomery County.

Supervisor Creed also asked what criteria was used for the salary survey and when the last update was done. Were these localities experiencing the same growth rate as Montgomery County?

Budget questions from the Board on the budget will be forwarded to staff and a full report will be provided to the Board at their next meeting.

### **Presentation on the Courthouse Project**

Jack Murphy, Thompson + Litton, provided an update on the Courthouse Facility and Parking Structure. Mr. Murphy summarized the proposed master plan for a new courthouse. The master plan consists of two phases. The first phase consists of a 98,500 square foot courthouse facility to be constructed along Pepper Street and the construction of a 128-space, two level parking garage. The second phase consists of renovating the existing courthouse into a public safety building to house the Sheriff Department and jail improvements. The emphasis on the new courthouse facility are security, operations, facilitate inmate transfer, and a 25 year projected needs. This is a 25 year build-out plan.

The proposed parking garage will be two levels. The ground level will be a secured level reserved only for judges, court staff, and jurors. The second level will be available for the public. Handicapped parking will be available on Pepper Street. Mr. Murphy stated that they have designed enough parking spaces to accommodate full build-out of the courthouse, proposed public safety building, and jail facilities. The parking structure will be built to accommodate only two levels and will not be able to expand as additional levels will require a stronger foundation and an elevator.

Mr. Murphy stated the next step is the design process. The Architects will be meeting with the Sheriff, Judges and court staff to discuss specific needs and refine the design of the courthouse. Their goal is to have the first phase, new courthouse and parking garage, constructed by 2011.

Ron Bonnema, County Engineer, provided estimated costs on the project. The cost for phase one is estimated at \$30.8 million, which includes \$1.8 million for the parking structure.



Several Board members expressed concern with the proposed parking garage and if there will be enough parking in the future. Supervisor Marrs stated that we don't know what the population in Montgomery County will be in 25 years and it concerns him that there are no plans for sufficient parking.

Supervisor Biggs asked the cost of constructing a parking structure with more levels. Mr. Murphy replied that the cost would be doubled to around \$2.6 million. This would include a stronger foundation and elevator.

Supervisor Creed commented that the master plan includes enough parking for full build-out for 25 years of the entire block, which includes the jail and proposed public facility building, not just the courthouse. If the population is going to explode that much then a new courthouse would have to expand as well.

Supervisor Muffo stated he believes the parking structure will provide adequate parking.

Supervisor Marrs stressed that the Sheriff be briefed on all plans related to the courthouse and jail expansion.

The Assistant County Administrator pointed out that a resolution is listed on the agenda under New Business for the Board's consideration to approve the Architect Service Agreement with Thompson + Litton.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
William H. Brown		
John A. Muffo		
Annette S. Perkins		

### **NEW BUSINESS**

**R-FY-08-131  
A RESOLUTION APPROVING THE  
DONOR AGREEMENT BY AND BETWEEN  
THE BLACKSBURG HIGH SCHOOL ATHLETIC BOOSTERS,  
THE MONTGOMERY COUNTY SCHOOL BOARD AND  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MONTGOMERY, VIRGINIA**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Donor Agreement by and between the Blacksburg High School Athletic Boosters, the Montgomery County School Board and the Montgomery County Board of Supervisors.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Annette Perkins, Chair of Board of Supervisors of the County of Montgomery, to execute the said Donor Agreement on behalf of the Board of Supervisors of the County of Montgomery.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
William H. Brown		
Annette S. Perkins		

**R-FY-08-132**  
**OFFICE ON YOUTH ADVISORY BOARD**  
**DISTRICT F REPRESENTATIVE**  
**APPOINTMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Karen S. Frazier** to the **Office on Youth Advisory Board** effective March 11, 2008 and expiring March 10, 2011.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		
Mary W. Biggs		
William H. Brown		
Doug Marrs		
Annette S. Perkins		

**R-FY-08-133**  
**OFFICE ON YOUTH ADVISORY BOARD**  
**AT-LARGE REPRESENTATIVE**  
**APPOINTMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Rick Sparks, Jr.** to the **Office on Youth Advisory Board** effective March 11, 2008 and expiring November 16, 2008.

Said appointment fills the unexpired term of Justin Moby, resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		
Mary W. Biggs		
William H. Brown		
Doug Marrs		
Annette S. Perkins		

**R-FY-08-134**  
**RESOLUTION DEFERRING THE APPLICATION**  
**TO VDOT FOR REVENUE SHARING FUNDS**  
**FY 2008-2009**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, hereby defers application to the Virginia Department of Transportation Revenue Sharing Program until such time that the County Administrator receives information from the Virginia Department of Transportation on the new deadline for application submittal.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
William H. Brown		
Doug Marrs		
Gary D. Creed		
Annette S. Perkins		

**R-FY-08-135**  
**RESOLUTION APPROVING THE**  
**ARCHITECT SERVICE AGREEMENT**  
**BY AND BETWEEN THE MONTGOMERY COUNTY**  
**BOARD OF SUPERVISORS AND THOMPSON + LITTON**  
**FOR THE COURTHOUSE PROJECT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Architect Service Agreement by and between the Montgomery County Board of Supervisors and Thompson + Litton the Courthouse Project.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the County Administrator to execute said agreement on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
William H. Brown		
Doug Marrs		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

**COUNTY ADMINISTRATOR'S REPORT**

The Assistant County Administrator reminded the Board of the joint meeting with the School Board scheduled for Tuesday, March 11, 2008 at 6:00 p.m. in the Multi-Purpose Room, First Floor, Government Center.

Inorganic Ventures ground breaking is scheduled for March 11, 2008 at 10:30 a.m. at the Falling Branch Corporate Park.

A Budget Work Session is scheduled for February 18, 2008 at 6:00 p.m.

**BOARD MEMBERS' REPORTS**

Supervisor Biggs announced "Take Back the Night" March and Rally is scheduled for March 27, 2008 and requested the Board add a proclamation supporting this event on their next agenda.

School Board Meeting - The School Board discussed the upcoming anniversary of the Virginia Tech April 16 shooting. They decided that school will remain open; however, each individual school may plan events.

Supervisor Perkins also discussed the April 16<sup>th</sup> tragedy and what appropriate events could be held for Montgomery County employees. She suggested Board members forward any suggestions they may have.

Volunteerism Outreach Program – Supervisor Perkins attended a meeting at the Virginia Tech German Club. The meeting was a spearhead desire to develop a volunteer program like VT Engage. They discuss ways to recognize outstanding volunteers and how to encourage young people to volunteer. Supervisor Perkins will keep the Board informed on any progress.

**ADJOURNMENT**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Board adjourned to Tuesday, March 11, 2008 for a joint meeting with the Montgomery County School Board at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	James D. Politis
Doug Marrs		
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

The meeting adjourned at 10:11 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair	County Administrator